

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

TAREK J. HELOU (CABN 218225)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7071  
Facsimile: (415) 436-7234  
Tarek.J.Helou@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINCENT MERTES,

Defendant.

CR No. 09-70015 EDL

STIPULATION AND ~~PROPOSED~~ ORDER  
EXCLUDING TIME UNDER FED. R. CRIM.  
P. 5.1 and 18 U.S.C. § 3161

On January 30, 2009, the parties in this case appeared before the Court for the government's motion for detention and to set the date for the defendant's preliminary hearing or arraignment. At that time, the parties requested, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on February 27, 2009. The parties now request that the Court change the date for the defendant's preliminary hearing or arraignment to March 20, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through March 20, 2009. The parties

**FILED**

FEB 26 2009

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 agree that, taking into account the public interest in prompt disposition of criminal cases, good  
2 cause exists for this extension.

3 The defendant also agrees to exclude for this period of time any time limits applicable  
4 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the  
5 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §  
6 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a  
7 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18  
8 U.S.C. § 3161(h)(8)(A).

9 SO STIPULATED:

10 JOSEPH P. RUSSONIELLO  
11 United States Attorney

12 DATED: February 24, 2009

13 /s/  
TAREK J. HELOU  
14 Assistant United States Attorney


15 DATED: February 24, 2009

16 /s/  
ANTHONY BRASS  
17 Attorney for VINCENT MERTES

18 For the reasons stated above, the Court finds that the extension of time for the defendant's  
19 preliminary hearing or arraignment through March 20, 2009 is warranted and that the ends of  
20 justice served by the continuance outweigh the best interests of the public and the defendant in a  
21 speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the  
22 requested continuance would deny the defendant effective preparation of counsel, and would  
23 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

24 SO ORDERED.

25  
26 DATED: 2-26-09

27   
THE HONORABLE MARIA ELENA-JAMES  
28 United States Magistrate Judge